

AO 133
(Rev 7/82)

BILL OF COSTS

United States District Court

DISTRICT

Northern

Janice Morgan, et al.

DOCKET NO.

CV-01-C-0303-W

v.
Family Dollar Stores, Inc.

MAGISTRATE CASE NO.

Judgment having been entered in the above entitled action on 3/31/04 against
A Family Dollar Stores Inc. the clerk is requested to tax the following as costs:

BILL OF COSTS

Fees of the clerk \$ 150.00

Fees for service of summons and complaint

Fees of the court reporter for all or any part of the transcript necessarily
 obtained for use in the case

Fees and disbursements for printing 168,526.74

Fees for witnesses (itemized on reverse side)

Fees for exemplification and copies of papers necessarily obtained
 for use in case

Docket fees under 28 U.S.C. § 1923

Costs incident to taking of depositions | transcripts 36,996.47

Costs as shown on Mandate of Court of Appeals

Other costs (Please itemize)

*1 Supporting documents
 are being filed under
 Seal.*

TOTAL \$ 205,673.21

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories. Briefs should also be submitted supporting the necessity of the requested costs and citing cases supporting taxation of those costs.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy hereof was this day mailed with postage fully prepaid thereon to: A's Counsel

SIGNATURE OF ATTORNEY

Tocco C. L...

FOR:

Name of claiming party

TBS Tocco C. L...DATE 4/20/04

Please take notice that I will appear before the clerk who will tax said costs on the following day and time:

DATE AND TIME

Costs are hereby taxed in the following amount and included in the judgment:

AMOUNT TAXED

\$

CLERK OF COURT

(BY) DEPUTY CLERK

DATE

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."
 "Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28 which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)
 "Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

Rule 6 (e)
 "Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

Rule 58 (in Part)

"Entry of the judgment shall not be delayed for the taxing of costs."

WITNESS FEES (computation, cf. 28 U. S. C. 1821 for statutory fees)

NAME AND RESIDENCE		ATTENDANCE		SUBSISTENCE		MILEAGE		TOTAL COST	
Days	Total Cost	Days	Total Cost	Days	Total Cost	Miles	Total Cost	Each Witness	Total Cost